

NO. PD-00887-15

**IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF TEXAS**

FILED
COURT OF CRIMINAL APPEALS
11/13/2018
DEANA WILLIAMSON, CLERK

GAREIC JERARD HANKSTON
Appellant

Trial Court No. 1326559
178th District Court
Harris County, Texas

V.

THE STATE OF TEXAS

Court of Appeals Number
14-13-00923-CR

**MOTION TO EXTEND TIME TO FILE
BRIEF ON REMAND**

TO THE HONORABLE JUDGES OF SAID COURT:

GAREIC HANKSTON Appellant, respectfully requests that the Court grant his motion to extend time to file his brief on the merits. In support of said motion, Appellant would show unto the Court the following:

I.

Appellant's conviction was affirmed on April 17, 2017 by this Court. On June 28, 2018 the United States Supreme Court granted Appellant's Petition for Certiorari, vacated this Court's judgment and remanded for further consideration in light of its opinion in *Carpenter v. United States*, 585 U.S. ____ (2018). On October 10, 2018 this Court order briefing in light of *Carpenter*. The brief on remand is due November 9, 2018. This is Appellant's first request for an extension.

II.

Counsel is currently working on the brief in this cause but will not be able to timely file the brief and requests an additional ten days to file the brief. Counsel is currently assigned to the Motion for New Trial Division of the Harris County Public Defender's Office. Counsel along with one other attorney is responsible for investigating every appeal assigned to the Public Defender's Office to determine if a motion for new trial is warranted. During the last thirty days counsel has been working and/or investigating potential motion for new trials in the following cases:

1. *Erick Torres v. State of Texas*, Trial Cause Number 1539069, Court of Appeals Cause Number 01-18-00853-CR. After a jury trial, Mr. Torres was found guilty of continuous sexual assault of a child and sentenced to 25 years in the Texas Department of Corrections.
2. *Kevin Johnson v. State of Texas*, Trial Cause Number 1553641, Court of Appeals Cause Number 14-18-00873-CR. After a jury trial, Mr. Johnson was found guilty of aggravated robbery and sentenced to 35 years in the Texas Department of Corrections.
3. *David Joyner v. State of Texas*, Trial Cause Number 1554289, Court of Appeals Cause Number 01-18-00875-CR. After a jury trial, Mr. Joyner was found guilty of aggravated sexual assault of a child and sentenced to life imprisonment. A *Faretta* hearing was held on October 25, 2018.
4. *Thomas McDaniel v. State of Texas*, Trial Cause Number 1527579. Court of Appeals Cause Number 01-18-00891-CR. After a jury trial, Mr. McDaniel was found guilty of assault on a security officer and sentenced to 6 years in the Texas Department of Corrections. A motion for new trial was filed October 23, 2018 and a hearing is set for November 20, 2018.
5. *Blaine Boudreaux v. State of Texas*, Trial Cause Number 1590590. Court of Appeals Cause Number 01-18-00891-CR. After a jury trial, Mr. Boudreaux was found guilty of felony murder and sentenced to 80 years in the Texas Department of Corrections.

6. *Jamal Turner v. State of Texas*, Trial Cause Number 1400330. Court of Appeals Cause Number 01-18-00975-CR. After a jury trial, Mr. Turner was found guilty of murder and trial court sentenced him to 25 years in the Texas Department of Corrections.
7. *Malbrough Quinton v. State of Texas*, Trial Cause Number 1524524. Court of Appeals Cause Number 01-18-00941-CR. After a jury trial, Mr. Quinton was found guilty of directing the activities of a street gang and sentenced to 60 years in the Texas Department of Corrections.
8. *Alexander Allen v. State of Texas*, Trial Cause Numbers 1511204 and 1511205 Court of Appeals Cause Numbers 01-18-00985-CR and 01-18-00959-CR. After a PSI hearing, Mr. Allen was sentenced to 35 years in the Texas Department of Corrections for continuous sexual assault.
9. *Ivis Escobar-Rosales v. State of Texas*, Trial Cause Number 1498480 Court of Appeals Cause Number 14-18-00944-CR. After Mr. Escobar-Rosales pled mid-trial, the trial court sentenced him to 60 years in the Texas Department of Corrections for murder.
10. *Gregory Jackson v. State of Texas*, Trial Cause Number 1527142. Court of Appeals Cause Number 01-18-____-CR. After a jury trial, Mr. Jackson was found guilty of sexual assault and sentenced him to 2 ½ years in the Texas Department of Corrections.

III.

An extension of time is necessary so that the brief can be timely filed. This motion is not made for the purpose of delay.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that this Honorable Court will grant this requested extension of time to file the Appellant's Brief on the Merits in the above cause and extend the time for filing the petition for at least ten (10) days.

Respectfully submitted,

Alexander Bunin
Chief Public Defender

/s/ **Angela Cameron**

Angela Cameron

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CERTIFICATE OF SERVICE

I certify that on the 9th day of November 2018 a copy of the foregoing instrument has been electronically served upon the State Prosecuting Attorney and the Harris County District Attorney.

/s/ **Angela Cameron**

Angela Cameron